SOUTHERN DISTRICT OF NEW Y	YORK	-
In re) Chapter 11
) Case No. 23-11071 (PB)
560 SEVENTH AVENUE OWNER	SECONDARY LLC,)
)
	Debtor.)

UNITED STATES BANKRUPTCY COURT

STIPULATION AND ORDER ESTABLISHING SCHEDULE FOR REMOTE EVIDENTIARY HEARING ON AUGUST 31, 2023 IN CONNECTION WITH SECURED PARTY'S MOTION FOR RELIEF FROM STAY

Pursuant to the direction provided by the Court on the record on August 4, 2023, 560

Seventh Avenue Owner Secondary LLC ("Debtor") and AREPIII MVTS, LLC and CREP Times

Square Hotel LLC (together, "Secured Party") jointly submit the below proposed stipulated

schedule for the August 31, 2023 remote evidentiary hearing in connection with Secured Party's

Motion for Relief from the Stay (Dkt. 10) (the "Lift Stay Motion") relating to the application of
the C-TC factors ("Phase One"):

- 1. Secured Party's brief regarding the application of the *C-TC* factors shall be filed no later than August 21, 2023.
- 2. Debtor's two-page reply brief regarding the application of the *C-TC* factors shall be filed no later than August 24, 2023.
- 3. The parties will exchange preliminary witness lists (excluding rebuttal witnesses) and exhibit lists no later than 5:00 pm ET on August 25, 2023.
- 4. The parties will exchange and provide to the Court declarations containing the direct testimony of all witnesses no later than 5:00 pm ET on August 28, 2023.

- 5. The parties will submit a proposed pre-trial order to the Court no later than 5:00 pm ET on August 28, 2023. The proposed pre-trial order will cover, among other things, the relevant matters set forth in this stipulation and order, as well as the applicable remote hearing procedures set forth at *In re KB US Holdings, Inc.*, No. 20-22962 (SHL), Dkt. No. 176 (Sept. 18, 2020).
- 6. The parties will exchange and provide to the Court binders with copies of witness lists (excluding rebuttal witnesses), declarations, exhibits, and stipulations entered into by the parties no later than 5:00 pm ET on August 28, 2023.
- 7. In the event that Debtor prevails on the Phase One aspect of the proceedings, the Court shall schedule additional evidentiary hearings on the balance of the Lift Stay Motion.

Dated: New York, New York August 17, 2023

GOLDBERG WEPRIN FINKEL GOLDSTEIN PAUL HASTINGS LLP LLP

By: <u>/s/ Kevin J. Nash</u>

Kevin J. Nash

By: <u>/s/ Harvey A. Strickon</u>

Harvey A. Strickon

Proposed Attorneys for the Debtor Attorneys for Secured Party

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The following stipulation is hereby
SO ORDERED this __ day of
August 2023

Hon. Philip Bentley